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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
MERCK 1497 C3

In re Application of: Andreas WACHTLER et al.

Application No. 09/964,650

Filed: September 28, 2001

For: PHENYLCYCLOHEXANES AND A LIQUID-CRYSTALLINE MEDIUM

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The owner*, MERCK PATENT GmbH of 100 percent interest by virtue of an assignment document recorded on October 16, 1990 (Reel 6114/Frame 0752), in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,677,002. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney of record.

Signature

10/14/04
Date

Harry B. Shubin, Reg. No. 32,004
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